

DECLARATION IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER RULE 102(d)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Daniel Skorcz

Group Art Unit:

Serial No.: 10/700390

Filed: 11/03/2003

Examiner:

For: Swivel Mount for a Hydraulic Valve Operator

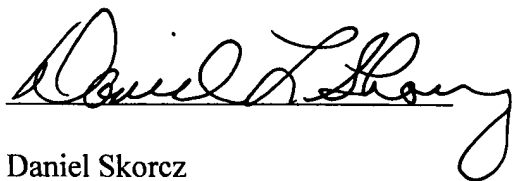
DECLARATION UNDER 37 C.F.R. § 1.102(D)

I, Dan Skorcz, declare as follows:

1. I am the Applicant in the above-indicated application, which covers a Swivel Mount for a Hydraulic Valve Operator.
2. In July and again in December of 2003 came to my attention that E. H. Wachs, Inc., of Wheeling, Illinois, was distributing a product named the TM-7 Swiveling Valve Operator, which I believed might be an infringement of the claims in this application.
3. On December 15th, 2003, I contacted my attorney, Lewis M. Brande, Esq, via e-mail. We supplied him with a printed copy of the advertisement for the product currently sold by E. H. Wachs, Inc. After careful consideration, it was the opinion of my attorney that the product of E. H. Wachs, Inc. infringed the claims of this application.

I declare that all statements made herein are true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such false statements may jeopardize the validity of this document and of the patent application to which it relates.

Signed at Santa Ana, California, this 17th day of December, 2003.



Daniel Skorcz



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Examiner:

DECLARATION OF LEWIS M. BRANDE, ESQ.

I, Lewis M. Brande, Esq., declare as follows:

(1) I am attorney of record in the above-indicated application and have read the accompanying Declaration of Applicant, (Daniel Skorcz).

(2) I have compared the claims in the above-indicated application with the advertisement from E. H. Wachs., and it is my opinion that this application would be infringed by the manufacture, use or sale of said product.

(3) As of this point in time, no office action has been mailed to me for response

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such false statements may jeopardize the validity of this document and the application to which it relates.

Signed at Alta Loma, California, this 24th day of December, 2003

Lewis M. Brande, Esq.
Brande and McCleary
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